

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIAM M. WATTS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER

19-cv-841-jdp

In a previous order, I granted the government's motion to dismiss one of plaintiff William M. Watts's claims under the Federal Tort Claims Act (FTCA) because the government proved that Watts had failed to exhaust his FTCA administrative remedies for the claim. Dkt. 37. The claim that was dismissed was based on Watts's allegations that the safety specialist at FCI-Oxford failed to protect prisoners from a chemical spray used by a roofing company that was working at the prison. The evidence showed that Watts did not file an administrative claim with the Bureau of Prisons, or a federal lawsuit, within two years of his negligence claim accruing, making his claim untimely under the FTCA's statute of limitations. 28 U.S.C. §§ 2401(b); 2679(d)(5).

Watts has filed a motion for reconsideration, arguing that his federal lawsuit and administrative claim were timely because his claim did not accrue until years after his injury, when he reviewed the material safety data sheet for the roofing chemical. Dkt. 40. He says that the material safety data sheet convinced him that it was the roofing chemical that had caused his eye injuries. But this is the same unpersuasive argument that Watts made in response to the government's motion to dismiss. As I explained previously, Watts's claim accrued as soon as he suspected that government negligence was responsible for his injuries. *See Blanche v. United*

States, 811 F.3d 953, 959 (7th Cir. 2016) (explaining when FTCA claim accrues). The evidence shows that Watts suspected government negligence more than two years before he filed his federal case. Because Watts has presented no new evidence or legal authority to undermine my previous decision, I will deny his motion.

ORDER

IT IS ORDERED that plaintiff William M. Watts's motion for reconsideration, Dkt. 40, is DENIED.

Entered January 13, 2021.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge